



Signed and Filed: October 4, 2023

*Dennis Montali*

DENNIS MONTALI  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re: ) Bankruptcy Case  
PG&E CORPORATION, ) No. 19-30088-DM  
- and - ) Chapter 11  
PACIFIC GAS AND ELECTRIC COMPANY, ) Jointly Administered  
Reorganized Debtors. )  
☐ Affects PG&E Corporation )  
☐ Affects Pacific Gas and )  
Electric Company )  
☒ Affects both Debtors )  
\* All papers shall be filed in )  
the Lead Case, No. 19-30088 (DM). )

**ORDER DENYING MOTIONS TO ALLOW LATE CLAIMS**

On September 14, 2023, Movant Richard Petersen filed a letter to the court that the court will deem to be a Motion to File Late Claim ("Petersen Motion") (Dkt. 14018). Mr. Petersen seeks direction regarding filing a late proof of claim related to the 2017 North Bay Fires.

On September 20, 2023, Movant Adrienne Collins (together with Richard Petersen, "Movants") filed a similar letter to the

1 court ("Collins Motion") (Dkt. 14026) (together with the  
2 Petersen Motion, the "Late Claim Motions"). Ms. Collins' also  
3 seeks direction regarding filing a late proof of claim related  
4 to the 2017 North Bay Fires.

5 On September 27, 2023, Cathy Yanni, in her capacity as the  
6 Fire Victim Trustee ("Trustee"), filed Consolidated Objections  
7 to the Late Claims Motions ("Objection") (Dkt. 14034). No  
8 hearing on the Late Claim Motions has been scheduled. For the  
9 reasons set forth below, the court SUSTAINS the Objection and  
10 DENIES the Late Claim Motions.

11 **I. Discussion**

12 A bankruptcy court may, on motion of a claimant filed after  
13 the applicable deadline, deem a late claim to be timely filed if  
14 the delay "was the result of excusable neglect." Fed. R. Bankr.  
15 Pro. 9006(b)(1). The decision regarding whether a late claim  
16 was the result of excusable neglect "is at bottom an equitable  
17 one, taking account of all relevant circumstances surrounding  
18 the party's omission." *Pioneer Inv. Services Co. v. Brunswick*  
19 *Associates Ltd. Partnership*, 507 U.S. 380, 395 (1993).  
20 Circumstances include "the danger of prejudice to the debtor,  
21 the length of the delay and its potential impact on judicial  
22 proceedings, the reason for the delay, including whether it was  
23 within the reasonable control of the movant, and whether the  
24 movant acted in good faith." *Id.* The court may weigh each these  
25 factors in its discretion.

26 Neither the Trustee nor the court doubt the Movants' good  
27 faith. The court considers the remaining *Pioneer* factors below  
28 and incorporates in this Order its reasoning from its previous

1 Orders Denying Motions to File Late Claims (Dkts. 13377, 13490,  
2 13691, 13945, 14031) ("Prior Orders"). Those Prior Orders make  
3 clear that the Fire Victim Trust ("FVT") would be prejudiced by  
4 the granting of the Late Claim Motions and that the length of  
5 Movant's delay in filing the proof of claim is extreme (here,  
6 more than 43 months after the Extended Bar Date). Neither of  
7 the Movants has filed a proof of claim.

8       Specific to these Late Claim Motions, neither Movant  
9 provides any reason for the delay in seeking to file claims.  
10 Each of Movants' letters is a scant paragraph, only requesting  
11 what the steps would be to file a late claim. The Petersen  
12 Motion states "I recently found out about the PG&E settlement  
13 payouts" and refers to a September 15, 2023 deadline, while the  
14 Collins Motion does not give any sort of explanation for the  
15 request to file a late claim.

16       The court reiterates, as it explained in its Prior Orders  
17 that the Debtors engaged in a comprehensive campaign to provide  
18 notice to Wildfire Claimants in the North Bay, California, and  
19 across the United States in both English and Spanish. The  
20 Debtors could not control whether Movants chose not to believe  
21 or to heed those notices, or to wait until payouts were actually  
22 being made by the FVT. Creditors are deemed to have received  
23 notice of the bankruptcy. Here, Movants do not assert any lack  
24 of awareness of the bankruptcy. The Petersen Motion asserts only  
25 a lack of awareness of the potential for compensation.

26       Finally, the Trustee's Objection states that "[t]he Trustee  
27 announced on July 15, 2023 that effective Friday, September 15,  
28 the Trust will no longer accept new Claims Questionnaires. No

1 claim can be administered without a filed Claims Questionnaire.”  
2 This Claims Questionnaire deadline appears to be the deadline  
3 referred to by the Petersen Motion. While the Petersen Motion  
4 was submitted prior to the deadline, Mr. Petersen did not submit  
5 a Claims Questionnaire to the FVT by the deadline. Ms. Collins  
6 similarly did not submit a Claims Questionnaire.

7 While the court is unclear whether the Movants’ not  
8 submitting a Claims Questionnaire by the September 15, 2023  
9 deadline would be fatal to a later filed proof of claim had the  
10 court granted the Late Claim Motions, it also need not reach the  
11 question, as the Movants have not met the burden of persuasion  
12 to allow for a late proof of claim to be deemed timely.

13 **II. Conclusion**

14 For the reasons stated above the court hereby SUSTAINS the  
15 Trustee’s Objection and DENIES the Late Claim Motions. Neither  
16 Mr. Petersen nor Ms. Collins may file a late proof of claim.

17  
18 **\*\*END OF ORDER\*\***  
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